

Barristers & Solicitors  
Patent & Trade-mark Agents

McCarthy Tétrault LLP  
Box 48, Suite 4700  
Toronto Dominion Bank Tower  
Toronto ON M5K 1E6  
Canada

McCarthy Tétrault

**Facsimile**

March 29, 2005  
CM# 123081-339723  
TKID: 8913

**62** Total number of pages including cover sheet.

If you have any problems receiving this  
transmission, please telephone:  
Central Fax Services at 416 601-7503

**RECEIVED**  
**CENTRAL FAX CENTER**

Original placed on file

**MAR 29 2005**

Name:	Firm:	Telephone:	Fax:
To: U. S. Patent Office	U.S. Patent Office	703-308-6607	703-872-9306
From: Robert H. Nakano		416-601-7852	416-868-0673

United States Patent and Trademark Office  
Customer Window, Mail Stop AMENDMENT  
Randolph Building, 401 Dulany Street  
Alexandria, Virginia 22314

Re: United States Patent Application No. 10/015,572

Title: SYSTEM AND METHOD OF SELECTING SOURCES FOR A NETWORK ELEMENT  
HAVING REDUNDANT SOURCES  
Inventors: CHOW, Joey et al.  
Filing Date: December 17, 2001  
Our Ref No: 123081-339723 (T01215-0108-US)

Please see the attached communication, including:

- |  |   |
|--|---|
| (1) Transmittal Form PTO/SB/21   | (5) Certificate of Transmission by Facsimile; and |
| (2) Fee Transmittal Form PTO/SB/17   | (6) One (1) International Patent References       |
| (3) Information Disclosure Statement, including form PTO/SB/08a (3 sheets) |   |

**Certificate of Transmission:**

Pursuant to 37 C.F.R. 1.8, I certify that the following correspondence is being transmitted via facsimile transmission to the United States Patent and Trademark Office at telephone number (703) 872-9306 on March 29, 2005

Signature:  
Name:

Edward Fan

Date: March 29, 2005

TDO-RED #8268594 v. 1

This facsimile may be confidential and contain privileged information. If the reader of this facsimile is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this facsimile in error, and that any review, dissemination, distribution or copying of it is strictly prohibited. If you are not the intended recipient, please notify us by telephone (call us collect) and return this facsimile to us by mail. Thank you for your cooperation.  
If you experience problems in receiving, please call 416 601-7503.

PTO/SB/21 (04-04)

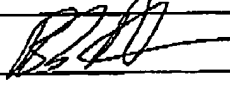
Approved for use through 07/31/2003. OMB 0651-0031


Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/015,572	
	Filing Date	December 17, 2001	
	First Named Inventor	CHOW, Joey	
	Art Unit	2171	
	Examiner Name	NGUYEN, Cindy	
Total Number of Pages in This Submission	61	Attorney Docket Number	123081-339723 (T01215-0108-US)

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	- Certificate of Transmission by Facsimile
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	- One (1) Non-U.S. Reference cited in IDS
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or individual name	McCarthy Tétrault LLP per Robert H. Nakano (Reg. No. 46,498)
Signature	
Date	March 29, 2005

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Typed or printed name	Edward Fan	Date	March 29, 2005
Signature			

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

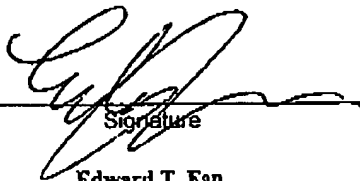
PTO/SB/97 (08-09)  
Approved for use through 07/31/2003. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

### Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the  
United States Patent and Trademark Office

on March 29, 2005  
Date

  
\_\_\_\_\_  
Signature

Edward T. Fan

\_\_\_\_\_  
Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

The following is submitted in connection with U.S.S.N. 10/015,572:

- (1) Transmittal Form PTO/SB/21;
- (2) Fee Transmittal PTO/SB/17;
- (3) Information Disclosure Statement, including PTO/SB/08 (3 sheets); and
- (4) WO 94/18769 (55 pages).

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2

Doc Code:

PTO/SB/17 (12-04v2)  
Approved for use through 07/31/2006. OMB 0551-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818): <b>FEE TRANSMITTAL for FY 2005</b>		<b>Complete if Known</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/015,572
		Filing Date	December 17, 2001
		First Named Inventor	CHOW, Joey
		Examiner Name	NGUYEN, Cindy
		Art Unit	2171
<b>TOTAL AMOUNT OF PAYMENT (\$)</b>		<b>\$180.00</b>	Attorney Docket No. 123081-339723 (T01215-0108-US)

**METHOD OF PAYMENT** (check all that apply)

☐ Check    ☐ Credit Card    ☐ Money Order    ☐ None    ☐ Other (please identify): \_\_\_\_\_  
☒ Deposit    Deposit Account Number: 15-0633    Deposit Account Name: McCarthy Tétrault LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below    ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or any underpayment of fee(s) under 37 CFR 1.16 and 1.17    ☒ Credit any overpayments

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	\$50.00	\$0.00

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	\$200.00	\$0.00

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listing under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50	(round up to a whole)	x \$250.00	\$0.00

**4. OTHER FEE(S)**

Non-English specification, \$130 fee (no small entity discount)

Other (e.g. late filing surcharge): Submission of IDS

\$180.00

<b>SUBMITTED BY</b>		Registration No.	46,498	Telephone	416-601-7852
Signature		(Attorney/Agent)		Date	March 29, 2005
Name (Print/Type)		Robert H. Nakano			

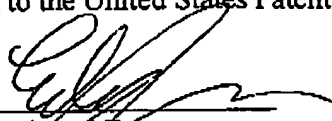
This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## Certificate of Transmission:

Pursuant to 37 C.F.R. s. 1.8, I certify that the following correspondence is being transmitted via facsimile transmission to the United States Patent Office at telephone number (703) 872-9306 on March 29, 2005.

Signature:

  
Name: Edward FanDate: March 29, 2005RECEIVED  
CENTRAL FAX CENTER

MAR 29 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **CHOW, Joey et al.**Title: **SYSTEM AND METHOD OF SELECTING SOURCES FOR A  
NETWORK ELEMENT HAVING REDUNDANT SOURCES**Serial No.: **10/015,572**Art Unit: **2171**Examiner: **NGUYEN, Cindy**Atty's Docket No.: **123081-339723 (T01215-0108-US)**

Date: March 29, 2005

Commissioner for Patents  
United States Patent and Trademark Office  
Customer Window, Mail Stop AMENDMENT  
Randolph Building  
401 Dulany Street  
Alexandria, Virginia 22314  
U.S.A.

## INFORMATION DISCLOSURE STATEMENT

Dear Sirs:

In accordance with 37 C.F.R. § 1.56, the Applicant encloses a completed Information Disclosure Statement.

Pursuant to 37 C.F.R. § 1.97(d) and § 1.17(p), please charge the prescribed fee of \$180.00 to deposit account No. 15-0633 of McCarthy Tétraut LLP. The Patent Office is authorized to charge any fee deficiency or credit any overpayment to deposit account No. 15-0633 of McCarthy Tétraut LLP.

123081-339723  
TDO-RED #8268548 v. 1

- 2 -

According to the terms of 37 C.F.R. § 1.97(g) and (h), this Information Disclosure Statement shall not be construed as a representation that a search has been made, an admission that the information cited is or is considered to be material to patentability, or that no other material information exists.

Two (2) United States patent documents and one (1) foreign patent documents are cited on the enclosed one (1) sheet of Form PTO/SB/08. A copy of the foreign patent document is enclosed in accordance with 37 C.F.R. § 1.98.

The foregoing Information Disclosure Statement is based upon the information contained in the undersigned attorney's file as of the filing date of this statement and is inclusive of the best information known to the undersigned at that date. Prompt consideration of this Information Disclosure Statement and the references by the Examiner is respectfully requested.

Should any Patent Office official want to telephone, the call should be made to Robert N. Nakano (Registration No. 46,498) at (416) 601-7852.

Yours very truly,



Robert H. Nakano  
Registration No. 46,498

**McCarthy Tétrault LLP**  
Suite 4700, Box 48  
Toronto Dominion Bank Tower  
Toronto, Ontario  
M5K 1E6  
Tel: 416-362-1812  
Fax: 416-868-0673

RHN/ETF/cp

123081-339723  
TDO-RED #8268548 v. 1

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

[illegible]

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinda Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 801.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.87 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.**